

House File 2051 - Introduced

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BY SHIPLEY

A BILL FOR

1 An Act relating to obscene material available on devices
2 and imposing civil liability on entities who publish or
3 distribute obscene material on the internet.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 554H.1 Publication and distribution
2 of obscene material to minors on the internet.

3 1. For purposes of this chapter:

4 a. "*Interactive computer service*" means the same as that
5 term is defined in 47 U.S.C. §230.

6 b. "*Obscene material*" means the same as defined in section
7 728.1, subsection 5.

8 2. "*Social media platform*" means an internet search engine,
9 internet website, internet system, access software provider,
10 or application that is open to the public, allows a user
11 of the platform to create an account, and enables users to
12 communicate with one another for the primary purpose of posting
13 information, comments, messages, or images. "*Social media*
14 *platform*" does not include any of the following:

15 a. An internet service provider.

16 b. Electronic mail.

17 c. An online service, application, or website that consists
18 primarily of news, sports, entertainment, or other information
19 or content that is not user generated but is preselected by
20 the provider and for which any chat, comments, or interactive
21 functionality is incidental to, directly related to, or
22 dependent on the content.

23 3. Any commercial entity or social media platform that
24 knowingly or intentionally publishes or distributes obscene
25 material to minors on the internet from a website that contains
26 such material shall verify that any person attempting to access
27 obscene material is not a minor through the use of any of the
28 following:

29 a. A commercially available database that is regularly used
30 by businesses or governmental entities for the purpose of age
31 and identity verification

32 b. Another commercially reasonable method of age and
33 identity verification.

34 4. Any commercial entity or social media platform that
35 violates the provisions of this section shall be subject to

1 civil liability for damages resulting from a minor's access to
2 obscene material and reasonable attorney fees and costs.

3 5. This section shall not be construed to impose civil
4 liability on a provider or user of an interactive computer
5 service on the internet.

6

EXPLANATION

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The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

8

9 This bill creates civil liability for commercial entities
10 and social media platforms who publish or distribute material
11 harmful to minors on the internet. The bill provides any
12 commercial entity or social media platform that knowingly
13 or intentionally publishes or distributes obscene material
14 to minors on the internet from a website that contains such
15 material shall be held civilly liable if the entity fails to
16 perform reasonable age verification methods to verify the
17 age of individuals attempting to access the material. Any
18 commercial entity or social media platform that is found in
19 violation shall be civilly liable to an individual for damages
20 resulting from a minor's accessing the material, including
21 court costs and reasonable attorney fees as ordered by the
22 court. The bill does not impose civil liability on a provider
23 or user of an interactive computer service on the internet.